

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

*IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION*

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-21)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel

SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

DIST. DIV. C.A. #CASE CAPTION

NEW YORK NORTHERN

NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.

NEW YORK WESTERN

NYW 1 05-214	County of Chautauqua v. Abbott Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.

CLOSED_2005

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Buffalo)
CIVIL DOCKET FOR CASE #: 1:05-cv-00214-MAT**

County of Chautauqua v. Abbott Laboratories, Inc. et al

Assigned to: Hon. Michael A. Telesca

Related Cases: 6:05-cv-06172-MAT

1:05-cv-00267-MAT

1:05-cv-06206-MAT

Cause: 28:1331 Fed. Question

Date Filed: 03/29/2005

Jury Demand: Plaintiff

Nature of Suit: 890 Other Statutory
Actions

Jurisdiction: Federal Question

Plaintiff

County of Chautauqua

represented by **Aaron D. Hovan**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Purepac Pharmaceutical Co.

Defendant

Amgen, Inc.

Defendant

Immunex Corporation

Defendant

Andrx Corporation

Defendant

AstraZeneca Pharmaceuticals L.P.

Defendant

Aventis Pharmaceuticals, Inc.

Defendant

Dermik Laboratories, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Baxter Healthcare Corporation

Defendant

Baxter International, Inc.

Defendant

Bayer Corporation

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

Bristol-Myers Squibb Company

Defendant

**Oncology Therapeutics Network
Corp.**

Defendant

Ben Venue Laboratories, Inc.

Defendant

Boehringer Ingelheim Corporation

Defendant

**Boehringer Ingelheim
Pharmaceuticals, Inc.**

Defendant

Roxane Laboratories, Inc.

Defendant

Dey Inc.

Defendant

Eisai Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals Inc.

Defendant

Ethex Corporation

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corporation

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline PLC

Defendant

SmithKline Beecham Corporation

doing business as

Glaxosmithkline

Defendant

Hoffman-LaRoche, Inc.

Defendant

Roche Laboratories, Inc.

Defendant

Ivax Corporation

Defendant

Ivax Pharmaceuticals Inc.

Defendant

Janssen Pharmaceutica Products, LP

Defendant

Johnson & Johnson

Defendant

McNeil-PPC, Inc.

Defendant

Ortho Biotech Products, LP

Defendant

Ortho-McNeil Pharmaceutical, Inc.

Defendant

King Pharmaceuticals, Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

MedImmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

Mylan Pharmaceuticals, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

Novo Nordisk Pharmaceuticals, Inc.

Defendant

**Novartis Pharmaceuticals
Corporation**

Defendant

Sandoz, Inc.

Defendant

Organon Pharmaceuticals USA, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Greenstone, LTD

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma, L.P.

Defendant

Reliant Pharmaceuticals, LLC

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Schering Corporation

Defendant

**Warrick Pharmaceuticals
Corporation**

Defendant

Serono, Inc.

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

Tap Pharmaceutical Products, Inc.

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.

Defendant

Wyeth

Date Filed	#	Docket Text
03/29/2005	<u>1</u>	COMPLAINT against Purepac Pharmaceutical Co., Amgen, Inc., Immunex Corporation, Andrx Corporation, AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Oncology Therapeutics Network Corp., Ben Venue Laboratories, Inc., Boehringer Ingelheim Corporation, Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey Inc., Eisai Inc., Eli Lilly and Company, Endo Pharmaceuticals Inc., Ethex Corporation, Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corporation, Gilead Sciences, Inc., Glaxosmithkline PLC, SmithKline Beecham Corporation, Hoffman-LaRoche, Inc., Roche Laboratories, Inc., Ivax Corporation, Ivax Pharmaceuticals Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products, LP, Ortho-McNeil Pharmaceutical, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., MedImmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novo Nordisk Pharmaceuticals, Inc., Novartis Pharmaceuticals Corporation, Sandoz, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, LTD, Pfizer, Inc., Pharmacia Corporation, Abbott Laboratories, Inc., Purdue Pharma, L.P., Reliant Pharmaceuticals, LLC, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Schering Corporation, Warrick Pharmaceuticals Corporation, Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., Alcon Laboratories, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Allergan, Inc., Alpharma, Inc. (Filing fee \$ 250 receipt number 15707.), filed by County of Chautauqua. (exhibits to complaint docketed separately due to size of documents)(DZ,) (Entered: 03/30/2005)

03/29/2005	<u>2</u>	EXHIBITS A-E TO THE COMPLAINT by County of Chautauqua.. (Attachments: # <u>1</u> Exhibit A Part 2 of 5# <u>2</u> Exhibit A Part 3 of 5# <u>3</u> Exhibit A Part 4 of 5# <u>4</u> Exhibit A Part 5 of 5# <u>5</u> Exhibit B# <u>6</u> Exhibit C# <u>7</u> Exhibit D# <u>8</u> Exhibit E)(DZ,) (Entered: 03/30/2005)
03/29/2005		Summons Issued as to Purepac Pharmaceutical Co., Amgen, Inc., Immunex Corporation, Andrx Corporation, AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Dermik Laboratories, Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Oncology Therapeutics Network Corp., Ben Venue Laboratories, Inc., Boehringer Ingelheim Corporation, Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dey Inc., Eisai Inc., Eli Lilly and Company, Endo Pharmaceuticals Inc., Ethex Corporation, Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corporation, Gilead Sciences, Inc., Glaxosmithkline PLC, SmithKline Beecham Corporation, Hoffman-LaRoche, Inc., Roche Laboratories, Inc., Ivax Corporation, Ivax Pharmaceuticals Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, McNeil-PPC, Inc., Ortho Biotech Products, LP, Ortho-McNeil Pharmaceutical, Inc., King Pharmaceuticals, Inc., Monarch Pharmaceuticals, Inc., MedImmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., UDL Laboratories, Inc., Novo Nordisk Pharmaceuticals, Inc., Novartis Pharmaceuticals Corporation, Sandoz, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Agouron Pharmaceuticals, Inc., Greenstone, LTD, Pfizer, Inc., Pharmacia Corporation, Abbott Laboratories, Inc., Purdue Pharma, L.P., Reliant Pharmaceuticals, LLC, Sanofi-Synthelabo, Inc., Schering-Plough Corp., Schering Corporation, Warrick Pharmaceuticals Corporation, Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., Alcon Laboratories, Inc., UCB Pharma, Inc., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Allergan, Inc., Alpharma, Inc.. (DZ,) (Entered: 03/30/2005)
04/27/2005	<u>3</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Michael A. Telesca for all further proceedings. Judge William M. Skretny no longer assigned to case. Signed by Hon. Richard J. Arcara on 04/27/2005. (Baker, J.) (Entered: 04/27/2005)
04/27/2005		Remark - All future submissions in this action should reflect, and be filed in, the new case number 6:05-CV-6204. (DZ,) (Entered: 04/29/2005)
04/27/2005		Intradistrict Transfer to Rochester Division (new case number 6:05-CV-6204) (DZ,) (Entered: 04/29/2005)

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